

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Criminal Minute Order

The Honorable Claudia Wilken, Presiding
Clerk: Sheilah Cahill
Court Reporter: Raynee Mercado
Date: 9/12/07

FILED
SEP 12 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Plaintiff: United States

v.

No. CR-07-00347 CW

Defendant: Jose Alfredo Garcia-Sanchez (present - in custody
interpreter used)

Appearances for Plaintiff:
Bryan Whittaker

Appearances for Defendant:
John Paul Reichmuth

Interpreter:
Hiram Torres (Spanish)

Hearing: Change of Plea and Sentencing

Notes: Defendant enters under oath Rule 11(c)(1)(A) and (B) plea of guilty to count one of the indictment charging assaulting an employee of the United States and inflicting bodily injury in violation of 18 USC 111(a)(1) and 111(b). Plea Agreement filed (two plea agreements were filed since changes were made to the original plea agreement which was previously translated to defendant by a different interpreter). Court finds factual basis for plea; Court accepts plea. Defendant requests immediate sentencing and waives his right to a PSR. The Court follows the agreed sentence recommended by counsel. The Court finds Offense Level 13, Criminal History I, leading to a guideline range of 12-18 months. The Court follows the plea agreement and based on § 3553 factors the Court sentences the defendant to 12 months and 1 day custody of the BOP, to be followed by 3 years supervised release under the usual terms and conditions and the special condition the defendant obey all rules and regulations of I.C.E. and not re-enter the U.S. without permission of the Attorney General. No fine imposed due to lack of ability to pay a fine. Defendant to pay 100 special assessment which may be paid at the rate of \$25 per quarter through the defendant's participation in the Bureau of Prisons' Inmate Financial Responsibility Program. Any remaining counts are dismissed. Court will recommend placement locally. Defendant remanded to custody of U.S. Marshal. See J&C for details.

Copies to: Chambers; probation